



A = Approved, A1 = Approved First Reading, A2 = Approved Second Reading, D = Deferred, NA = No Action, PH = Authorized Public Hearing, AD = Approval Denied

ACTION AGENDA

Hickory City Council
76 North Center Street

June 7, 2022
7:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Cliff Moone, Retired Minister
- III. Pledge of Allegiance
- IV. Special Presentations
- NA** A. Proclamation for National Homeownership Month – Presented to NAACP President Sam Hunt and Vice President Mervin Sealy; Housing Committee Jenna Ross, Habitat for Humanity and Tiffany Grey, Hickory Real Estate Group. **(Exhibit IV.A.)**

Mayor Guess read and presented a Proclamation for National Homeownership Month.
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
- A** A. Special Meeting of May 12, 2022. **(Exhibit VI.A.)**
- A** B. Regular Meeting of May 17, 2022. **(Exhibit VI.B.)**
- VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.
- A2** A. Budget Revision Number 21. **(First Reading Vote: Unanimous)**
- VIII. Consent Agenda: All items below will be enacted by vote of City Council. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.
- A** A. Approval of a Memorandum of Agreement with Olde Hickory Brewery for the Selling of Malt Beverages during the 2022 Sails Original Music Series Event. **(Exhibit VIII.A.)**

Staff requests approval of the Memorandum of Agreement with Olde Hickory Brewery (OHB) for the selling of malt beverages during the Sails Original Music Series events on Friday evenings, June 3rd, June 17th, and Fridays in September 2022. The Sails Original Music Series event will occur Friday evenings beginning at 7 p.m. and ending at 9:00 p.m. OHB will begin serving alcohol during the Sails Original Music Series between 6:00 p.m. – 9:00 p.m. The event is being held on Union Square within the Social District. OHB has been an annual vendor at previous Sails events held in Downtown Hickory. During these events, OHB will serve malt beverages within the social district, as marked by signs, and in accordance with the social district rules. On Friday, September 16th, OHB will serve malt beverages at the Samuel Davis Field at the Sails Original Music Series event that is held in that location. The vendor has signed a Memorandum of Agreement provided by the City

of Hickory and will provide their Certificate of Insurance (COI) and a \$25 fee. There is a designated area for the sales of malt beverages in accordance with N.C.G.S. 18B-1114.5. OHB, LLC has an ALE Malt Beverage Special Event Permit that allows them to provide craft beverages to audiences at events, as well as a Certificate of Insurance is provided to the City, along with a Memorandum of Agreement signed by both parties. Staff recommends Council's approval of the agreement with Olde Hickory Brewery for the selling of malt beverages during the 2022 Sails Original Music Series event.

- A B.** Approval of a Resolution Approving the Town of Catawba (PWS: 01-18-040) Local Water Supply Plan. **(Exhibit VIII.B.)**

Staff requests Council's approval of a Resolution approving the Town of Catawba (PWS: 01-18-040) Local Water Supply Plan. North Carolina General Statute 143-355 (1) requires all Public Water Systems to have a Local Water Supply Plan that is intended to give a report of the water systems current demands and a projection for future demands. This analysis is required to be performed and reported annually by Public Water Suppliers with major updates every five years that require the passage of a Resolution approving the document by the governing body/board. The City of Hickory Public Utilities Department developed the Town of Catawba Local Water Supply Plan due to the City of Hickory owning, operating, and maintaining this public water system. Hickory City Council is the governing body responsible for the providing these services due to this relationship. The City of Hickory owns and operates the Town of Catawba Public Water System, therefore must approve the Local Water Supply Plan for this Public Water System. Hickory City Council has full authority to establish operational rules, regulations and plans for the Town of Catawba Public Water System (PWS: 01-18-040) per the purchase contract from 2003. The Town of Catawba Local Water Supply Plan has been reviewed by NCDENR and has been found to compliant with NCGS 143-355 (I). Staff recommends Council's approval of a Resolution approving the Town of Catawba (PWS: 01-18-040) Local Water Supply Plan.

- A C.** Approval of a Resolution Approving the City of Hickory (PWS: 01-18-010) Local Water Supply Plan. **(Exhibit VIII.C.)**

Staff requests Council's approval of a Resolution approving the City of Hickory (PWS: 01-18-010) Local Water Supply Plan. North Carolina General Statute 143-355 (1) requires all Public Water Systems to have a Local Water Supply Plan that is intended to give a report of the water systems current demands and a projection for future demands. This analysis is required to be performed and reported annually by Public Water Suppliers with major updates every five years that require the passage of a Resolution approving the document by the governing body/board. The City of Hickory Public Utilities Department has performed the analysis and evaluation of the water use patterns and the available treatment capacities for the entire City of Hickory Distribution and Collection Systems. This plan is intended to reflect the current use patterns of the available water supply and then project forward 50 years to determine if system demands will surpass available capacity at any point in that period. This is one component of the North Carolina Water Supply Master Plan for the entire state. This evaluation is required to be performed, updated, and reported annually to NCDENR with major updates required every five years. The City of Hickory Local Water Supply Plan does not reflect an exceedance of available supply over this planning period. The City of Hickory Local Water Supply Plan has been reviewed by NCDENR and has been found to be compliant with NC GS 143-355 (I). Staff recommends Council's approval of the Resolution approving the City of Hickory (PWS: 01-18-010) Local Water Supply Plan.

- A D.** Approval of a Cemetery Deed Transfer from Joan W. Neill, unmarried, and Myra Neill Johansen, unmarried, Individually and Co-Executors for the Estate of Robbie Winona Neill, Edward C. Neill and wife, Rita S. Neill, and Lynn B. Neill, unmarried to Joan W. Neill, Oakwood Cemetery, Section 56, Block D, Lot 2. (Prepared by Amber R. Mueggenburg, PLLC). **(Exhibit VIII.D.)**

- A1 E.** Budget Revision Number 22. **(Exhibit VIII.E.)**

1. To appropriate \$7,500,000 in SCIF grant funds towards the CVCC Workforce Innovation Center.
2. To appropriate \$500,000 in SCIF grant funds towards the Hickory Trail for conduit expenses. \$142,000 will be appropriated for Historic Ridgeview Walk. \$179,000 each will be allocated to OLLE Art Walk and Aviation Walk.
3. To transfer \$2,300,000 from the General Fund to the General Capital Projects Fund for the purchase of a new enterprise resource platform system in MUNIS (\$1,700,000), Hickory Trail conduit (\$600,000); to transfer \$500,000 from the General Fund to the Airport Fund for Airport T-Hangar construction, and to transfer \$1,318,501 among multiple funds to account for COVID-related employee compensation.
4. To appropriate \$308,000 from the sale of City property towards future property purchases.
5. To appropriate \$900,000 from General Fund Balance towards future property purchases.
6. To correctly appropriate \$193,826 in funds towards the City Walk project for SEPI Change Order #3. Part of these funds (\$38,765) were initially coming from General Fund Balance, but they will come from within the project instead.
7. To appropriate \$3,596 from an insurance claim reimbursement towards Police Department operations for damage done to a police vehicle on 2/2/22.
8. To appropriate \$427 from an insurance claim reimbursement towards Police Department operations for damage done to a police vehicle on 11/13/21.
9. To appropriate \$14,279 in Parks, Recreation, and Sports Tourism revenues towards departmental operations.
10. To appropriate \$6,191 in police donations towards the purchase of mats for SCAT training.
11. To appropriate \$10,000 in police donations towards the refurbishment of video surveillance cameras at police headquarters.
12. To close out the Bulletproof Vest Project for 2020 and return \$631 back to the General Fund
13. To close out the Design Foundry Building Reuse project and return \$12,471 back to the General Fund.

IX. Items Removed from Consent Agenda – None

X. Informational Item

XI. New Business:

A. Public Hearings

- A1** 1. Consideration of the City Manager's FY2022-2023 Recommended Budget – Presentation by City Manager Warren Wood. **(Exhibit XI.A.1.)**

This public hearing was advertised in a newspaper having general circulation in the Hickory area on May 20, 2022.

- A** 2. Consideration of the Voluntary Contiguous Annexation of Property Owned by BV 211, LLC, Containing 1.35 Acres, Located at 2906 Springs Road NE, PIN 3723-10-37-0072 – Planning Director Brian Frazier. **(Exhibit XI.A.2.)**

Consideration of the voluntary contiguous annexation of 1.35 acres of property located at 2906 Springs Road NE. This property is identified as PIN 3723-10-37-0072. BV 211, LLC has petitioned for the voluntary contiguous annexation of 1.35 acres of property located at 2906 Springs Road NE. The subject property is currently located within Hickory's extra-territorial jurisdiction (ETJ) and zoned Commercial Corridor (CC-2). The annexation is being requested to gain access to City services. The current zoning permits commercial uses at a floor area ratio of 2:1 and residential uses at a density of 30 units per acre. The new owners intend to construct a new restaurant on the parcel. The current tax value of the property

is \$420,400. If annexed with its present value, the property would generate additional tax revenues of \$2,638. The construction of the future restaurant will increase the tax value of the property. Upon analysis, staff has determined the petition meets the statutory requirements for voluntary contiguous annexation, and adequate public services are available. Staff recommends Council's approval of the petition.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on May 20, 2022.

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3. Consideration of a Resolution Directing that Street Improvement Project Be Undertaken for Curb and Gutter along a Portion of 6th Avenue Drive NW, Petition Number 22-02 – Presentation by Public Works Director Steve Miller. **(Exhibit XI.A.3.)**

Staff requests Council's approval of a resolution directing that the street improvement project be undertaken concerning petition number 22-02 requesting the City construct curb and gutter along a portion of 6th Avenue Drive NW (PIN 370314235085). The City Clerk received a petition from the owners of the property along 6th Avenue Drive NW (PIN 370314235085) to install curb and gutter along a portion of their street as per Section 29-2 of the Hickory Code of Ordinances. The petitioner(s) represent a majority, greater than 50 percent of the property owner(s) as well as a majority, greater than 50 percent of the property footage of the property frontage requested in the petition and therefore qualifies as a valid petition. The signature(s) on the petition represent 100 percent of the property owner(s) affected, who in turn represent 100 percent of the property footage affected. The City Clerk, as shown on the included Certificate of Sufficiency, validated these numbers. Staff recommends Council's approval of a resolution directing that the street improvement project be undertaken concerning petition number 22-02 requesting the City construct curb and gutter along a portion of 6th Avenue Drive NW (PIN 370314235085).

This public hearing was advertised in a newspaper having general circulation in the Hickory area on May 23, 2022.

B. Departmental Reports

NA

1. Appointments to Boards and Commissions

COMMUNITY APPEARANCE COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

At-Large (Outside City but within HRP) (Council Appoints) VACANT

COMMUNITY RELATIONS COUNCIL

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Other Minority (Council Appoints) VACANT

Other Minority (Council Appoints) VACANT

Other Minority (Council Appoints) VACANT

Differently Abled and is African American or Other Minority (Council Appoints)

Differently Abled (Council Appoints) VACANT

Beth Whicker

(Not Eligible for Reappointment)

LIBRARY ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Ward 3 (Seaver Appoints) VACANT

(Beth Schauble Resigned 11-10-2021)

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Ward 4 (D. Williams Appoints)

VACANT

RECYCLING ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Ward 6 (Patton Appoints) (Lona Hedrick Resigned 1-11-2022)

VACANT

YOUTH COUNCIL

(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)

Youth Council Applicant Review Committee Recommends the Following Appointments:

Fred T. Foard
Homeschool

VACANT

VACANT

C. Presentation of Petitions and Requests

XII. Matters Not on Agenda (requires majority vote of Council to consider)

XIII. General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature

XIV. Closed Session Per NC General Statutes 143-318.11(a)(1)(3) to consult with the attorneys regarding the following: (Action on these items, if any, will occur in Open Session)

1. *Approval of Closed Session Minutes of May 17, 2022 - NCGS §143-318.11(a)(1).*
2. *Discussion of Litigation - NCGS §143-318.11(a)(3).*

A Council approved Litigation Counsel review new documents received in the arch litigation and bring additional claims in the lawsuit against existing or new parties. City Council also approved Litigation Counsel present any City employees in the engineer licensing board investigation in their capacity as City employees.

XV. Adjournment

***Hickory City Code Section 2-56. Public Address to Council:**

“When conducting public hearings, considering ordinances, and otherwise considering matters wherein the public has a right to be heard, when it appears that there are persons present desiring to be heard, the Mayor shall require those opposing and favoring the proposed action to identify themselves. Each side of the matter shall be given equal time. Those opposing the proposed action shall be allowed 15 minutes for presentation, followed by 15 minutes for those favoring the action, with the opponents then to have five minutes for rebuttal and the proponents to then have five minutes for surrebuttal. Those persons on either side shall have the right to divide their allotted time among them as they may choose. The Council, by majority vote, may extend the time for each side equally. On matters in which the person desiring to address the Council does not have a legal right to speak, the Council shall determine whether it will hear the person. The refusal to hear a person desiring to speak may be based upon grounds that the subject matter is confidential, that its public discussion would be illegal, that it is a matter not within the jurisdiction of the Council or for any other cause deemed sufficient by the Council. Any person allowed to speak who shall depart from the subject under discussion or who shall make personal, impertinent, or slanderous remarks, or who shall become boisterous while addressing the Council shall be declared out of order by the Mayor, or by vote of the Council, and barred from speaking further before the Council unless permission to continue shall be granted by a majority vote of the Council, under such restrictions as the Council may provide.”

**The City of Hickory holds all public meetings in accessible rooms.
Special requests for accommodation should be submitted by individuals
with disabilities at least 48 hours before the scheduled meeting.
Phone Services (hearing impaired) – Call 711 or 1-800-735-2962**